IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION.

FIRST APPEAL NO.1815 OF 2005

WITH

CIVIL APPLICATION NO.3413 OF 2005.

The Municipal Corporation of
Gr.Bombay : Appellants.

versus

Prabhakar Gangaram Shinde & ors.: Respondents.

Mr.J.J.Xavier for the BMC/appellant.
Mr.P.G.Lad for the respondent Nos.1 to 3

CORAM : D.G.DESHPANDE,J.

DATED : 03rd October 2005.

ORAL ORDER

1. Heard the advocates for the appellants and respondents. The respondents had filed a suit for declaration that demolition of their three gates by the defendants was unauthorised

and illegal. The trial court gave findings in favour of the appellant, but, while doing so, the court also awarded costs of Rs.10,000/- to the plaintiffs payable by the BMC and, therefore, this appeal. Mr.Lad, the counsel appearing for the respondents, makes a statement across the Bar that his clients will not recover Rs.10,000/- or costs of the suit from the BMC/appellant. In view of this statement, the counsel for the appellant/BMC does not want to press this appeal. In view of this, the appeal along with the civil application is disposed of as not pressed. No order as to costs of the appeal.

[D.G.DESHPANDE]